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Attorneys for Defendant AT&T CORP.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

\*E-FILED - 10/18/05\*

CYGNUS  
TELECOMMUNICATIONS  
TECHNOLOGY, LLC,

Plaintiff,

v.

AT&T CORP.,

Defendant.

Case No.: MDL 1423  
Case No.: 5:04-CV-04247(RMW)  
S.D.N.Y. Case No.: 03-CV-8629

**STIPULATION TO STAY TIME  
FOR AT&T CORP. TO FILE AND  
SERVE PRELIMINARY  
INVALIDITY CONTENTIONS  
AND ACCOMPANYING  
DOCUMENT PRODUCTION  
PURSUANT TO PATENT L.R. 3-3  
AND 3-4**

Disc. Cut-Off: Not Set  
Pretrial: Not Set  
Trial: Not Set

1 WHEREAS, by Order signed on August 17, 2005 and entered August 23,  
2 2005, this Court ordered a partial stay of all current proceedings assigned to the  
3 court by the Judicial Panel on Multidistrict Litigation, staying virtually all hearing  
4 and scheduling dates, but requiring the filing by all defendants of their Preliminary  
5 Invalidity Contentions pursuant to Patent L.R. 3-3 and their Document Production  
6 Accompanying Preliminary Invalidity Contentions pursuant to Patent L.R. 3-4;

7 WHEREAS, The United States Patent and Trademark Office ("USPTO") on  
8 August 15, 2005, mailed Office Actions in *Ex Parte* Reexamination issuing  
9 preliminary determinations rejecting all of the claims in the patents in suit, U.S.  
10 Patent Nos. 5,883,964 and 6,035,027;

11 WHEREAS, a stay of the deadline for defendant AT&T Corp. ("AT&T") to  
12 comply with Patent L.R. 3-3 and 3-4 is appropriate because, if the USPTO's  
13 invalidity determination becomes final, it will not be necessary for defendants to  
14 comply with Pat. L.R. 3-3 and 3-4;

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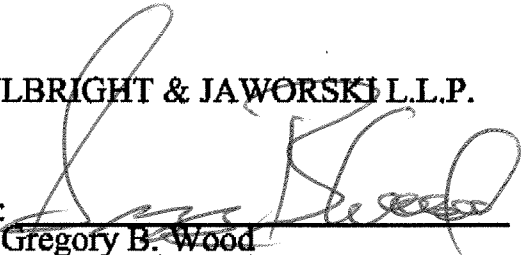
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1 IT IS HEREBY STIPULATED AND AGREED, by and among the parties  
2 hereto, subject to approval of the Court, that the time for defendant AT&T to file  
3 and serve Preliminary Invalidity Contentions and Document Production  
4 Accompanying Preliminary Invalidity Contentions pursuant to Patent L.R. 3-3 and  
5 3-4 shall be stayed pending a final determination of the USPTO of the validity of  
6 the patents in suit.

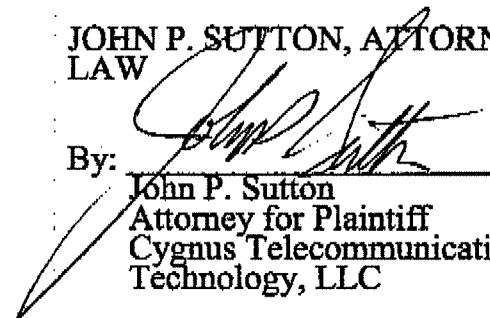
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8  
9 Dated: September 6, 2005

FULBRIGHT & JAWORSKI L.L.P.

10  
11 By:   
12 Gregory B. Wood  
13 Attorneys for Defendant  
14 AT&T CORP

15  
16 Dated: September 6, 2005

JOHN P. SUTTON, ATTORNEY AT  
LAW

17 By:   
18 John P. Sutton  
19 Attorney for Plaintiff  
20 Cygnus Telecommunications  
21 Technology, LLC

22 IT IS SO ORDERED.

23 Date: 10/18/05

/S/ RONALD M. WHYTE

24 Hon. Ronald M. Whyte  
25 United States District Judge  
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**PROOF OF SERVICE**

I, Susan Crippen, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 South Flower Street, 41<sup>st</sup> Floor, Los Angeles, California 90071. On September 8, 2005, I served a copy of the within document(s):

**STIPULATION TO STAY TIME FOR AT&T CORP. TO FILE AND SERVE PRELIMINARY INVALIDITY CONTENTIONS AND ACCOMPANYING DOCUMENT PRODUCTION PURSUANT TO PATENT L.R. 3-3 AND 3-4**

**X** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

**X** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

by placing the document(s) listed above in a sealed \_\_\_\_\_ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a \_\_\_\_\_ agent for delivery.

by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

**John P. Sutton, Esq.**

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Attorney for Plaintiff  
CYGNUS TELECOMMUNICATIONS  
TECHNOLOGY, LLC.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the

1 U.S. Postal Service on that same day with postage thereon fully prepaid in the  
2 ordinary course of business. I am aware that on motion of the party served, service  
3 is presumed invalid if postal cancellation date or postage meter date is more than  
4 one day after date of deposit for mailing in affidavit.

5 I declare that I am employed in the office of a member of the bar of this court  
6 at whose direction the service was made.

7 Executed on September 8, 2005, at Los Angeles, California.

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11 Susan Crippen  
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